

**BEFORE THE ARIZONA BOARD  
OF MASSAGE THERAPY EXAMINERS**

In the Matter of

**MICHAEL BOLTON, LMT**

Holder of License No. MT-16318  
As a Massage Therapist  
In the State of Arizona

Board Case No. 18-111

**CONSENT AGREEMENT  
(PROBATION)**

In the interest of a prompt and judicious settlement of this case, consistent with the public interest, statutory requirements and the responsibilities of the Arizona State Board of Massage Therapy ("Board") under A.R.S. § 32-4201, *et. seq.*, Edwin Slim Nez (formerly Boice) ("Respondent"), holder of Massage Therapist License Number MT-16318 in the State of Arizona, and the Board enter into the following Recitals, Findings of Fact, Conclusions of Law and Order ("Consent Agreement") as a final disposition of this matter.

**RECITALS**

1. Respondent has read and understands this Consent Agreement and has had the opportunity to discuss this Consent Agreement with an attorney, or has waived the opportunity to discuss this Consent Agreement with an attorney.
2. Respondent understands that Respondent has a right to a public administrative hearing concerning this matter, at which hearing Respondent could present evidence and cross examine witnesses. By entering into this Consent Agreement, Respondent knowingly and voluntarily relinquishes all right to such an administrative hearing, as well as rights of rehearing, review, reconsideration, appeal, judicial review or any other administrative and/or judicial action, concerning the matters set forth herein.
3. Respondent affirmatively agrees that this Consent Agreement shall be irrevocable.
4. Respondent understands that this Consent Agreement or any part of the agreement may be considered in any future disciplinary action by the Board.
5. Respondent understands this Consent Agreement deals with Board case number 18-111 involving allegations that Respondent engaged in conduct that would subject him to discipline under the Board's statutes and rules. The investigation into these allegations against Respondent shall be concluded upon the Board's adoption of this Consent Agreement.
6. Respondent understands that this Consent Agreement does not constitute a dismissal or resolution of any other matters currently pending before the Board, if any,

and does not constitute any waiver, express or implied, of the Board's statutory authority or jurisdiction regarding any other pending or future investigation, action or proceeding.

7. Respondent also understands that acceptance of this Consent Agreement does not preclude any other agency, subdivision, or officer of this State from instituting any other civil or criminal proceedings with respect to the conduct that is the subject of this Consent Agreement.

8. Respondent acknowledges and agrees that, upon signing this Consent Agreement and returning this document to the Board's Executive Director, Respondent may not revoke acceptance of the Consent Agreement or make any modifications to the document regardless of whether the Consent Agreement has been signed by the Executive Director. Any modification to this original document is ineffective and void unless mutually agreed by the parties in writing.

9. This Consent Agreement is effective only when signed by the Executive Director on behalf of the Board.

10. If a court of competent jurisdiction rules that any part of this Consent Agreement is void or otherwise unenforceable, the remainder of the Consent Agreement shall remain in full force and effect.

11. Respondent understands that this Consent Agreement is a public record that may be publicly disseminated as a formal action of the Board and may be reported as required by law to the National Practitioner Data Bank or other such databases.

12. Respondent agrees that the Board will adopt the following Findings of Fact, Conclusions of Law and Order.

ACCEPTED AND AGREED BY RESPONDENT

  
Michael Bolton

Dated: 7/13/18

#### **FINDINGS OF FACT**

1. On January 8, 2016, Respondent was arrested and on March 1, 2016, he was convicted on one count of False Report-Causing Act to Respond/Voluntary, a misdemeanor.

2. On November 11, 2016, Respondent was arrested for Domestic Violence (Assault) and Driving Under the Influence.

3. The November 2016 arrest was a violation of Respondent's probation from the March 2016 conviction.

4. Respondent failed to notify the Board of his November 2016 arrest within ten days.

#### **CONCLUSIONS OF LAW**

1. The conduct and circumstances described above in Factual Allegations constitute grounds for discipline pursuant to A.R.S. § 32-4253(A)(3) (using drugs or intoxicating liquors to an extent that affects professional competency)

2. The conduct and circumstances described above in Factual Allegations constitute grounds for discipline pursuant to A.R.S. § 32-4253(A)(6) (engaging in any act or practice in violation of this chapter or any board rule).

3. The conduct and circumstances described above in Factual Allegations constitute grounds for discipline pursuant to A.R.S. § 32-4253(A)((10) (engaging in conduct that could result in harm or injury to the public).

### **ORDER**

IT IS HEREBY ORDERED that License Number MT-16318 issued to Michael Bolton (Respondent) to practice as a massage therapist in the State of Arizona is hereby placed on PROBATION for a period of twelve (12) months from the effective date of this Order, subject to the following terms and conditions:

1. AA MEETINGS: Respondent shall attend a minimum of one AA meeting per week for the duration of the probation period. Respondent shall maintain a log of the AA meetings attended and receive a signature from the meeting organizer of each meeting. Respondent must cause his sponsor to provide the Board with a quarterly report regarding Respondent's attendance and progress.

#### **2. GENERAL PROVISIONS**

a. Respondent shall pay all necessary fees and complete all continuing education requirements throughout the term of his probation to maintain his massage therapy license. Throughout the term of Respondent's probation, Respondent shall personally appear before the Board when requested to do so by the Board or Board staff.

b. Respondent shall obey all federal and state laws and rules governing the practice of Massage Therapists.

c. Respondent shall pay all costs associated with complying with this Order.

d. If Respondent violates this Order in any way or fails to fulfill the requirements of this Order, the Board, after giving the Respondent notice and the opportunity to be heard, may revoke, suspend or take other disciplinary actions against Respondent's license. The issue at such a hearing will be limited solely to whether this Order has been violated.

DATED this 3rdday of April, 2018.

1                   b.     Respondent shall obey all federal and state laws and rules  
2 governing the practice of Massage Therapists.

3                   c.     Respondent shall pay all costs associated with complying with this  
4 Order.

5                   d.     If Respondent violates this Order in any way or fails to fulfill the  
6 requirements of this Order, the Board, after giving the Respondent notice and the  
7 opportunity to be heard, may revoke, suspend or take other disciplinary actions against  
8 Respondent's license. The issue at such a hearing will be limited solely to whether this  
9 Order has been violated.

10  
11                                 DATED this 14<sup>th</sup> day of September, 2018.

12   ARIZONA STATE BOARD OF MASSAGE  
13 THERAPY

(Seal)

14  
15 By: \_\_\_\_\_

  
RYAN EDMONSON  
Executive Director

16  
17 ORIGINAL OF THE FORGOING FILED  
this 14<sup>th</sup> day of September, 2018, with:

18 Arizona Board of Massage Therapy  
19 1740 W. Adams St., 3<sup>rd</sup> Floor  
20 Phoenix, Arizona 85004

21 COPY OF THE FOREGOING MAILED  
22 REGULAR FIRST-CLASS MAIL  
this 14<sup>th</sup> day of February, 2018, to:

23 Michael Bolton  
24 5491 Roadrunner  
Prescott Valley, Arizona 86314  
Address of Record

25 By:   
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